

The Leesburg Planning Commission met on Thursday, July 1, 2004, in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Lee Phillips, Christopher Murphy, John Johnston, Brian Boucher, Paul Gauthier, and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:02pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Emswiller
Commissioner Hoovler
Commissioner Wright

Absent: Vice Chairman Werner
Mayor Umstattd

Chairman Vaughan took this time to welcome new Commission members, Chuck Jones and Ted Kalriess. He went on to thank Commissioner Emswiller for her assistance in filling the seat vacated by Commissioner Dubé and urged her to continue her dedication to public service. Lastly, he again spoke of Commissioner Werner's service on the Commission and asked her to also continue in public service.

ADOPTION OF THE AGENDA

Commissioner Hoovler moved to adopt the agenda as presented:

Motion: Hoovler
Second: Bangert
Carried: 6-0

APPROVAL OF MINUTES

On a motion by Commissioner Wright it was recommended that the minutes of the June 3 meeting be adopted with noted changes.

Motion: Wright
Second: Bangert
Carried: 5-0

Commissioner Hoovler abstained from this vote since he was absent on June 3.

On a motion by Commissioner Hoovler it was recommended that the minutes of the June 17 meeting be adopted with noted changes.

Motion: Hoovler
Second: Wright
Carried: 4-0

Commissioners Bangert and Emswiller abstained from this vote since they were not in attendance at the June 17th meeting.

PREVIEW CASES

None

CHAIRMAN'S STATEMENT

None

PETITIONERS

None

PUBLIC HEARING

Nextel Wireless Tower – TLSE 2004-0017; TLCP 2004-0004 Special Exception/ Commission Permit – 220 Fort Evans Road – Christopher Murphy, Senior Planner (Agenda Item 9)

Following the new format for presentation, the applicant presented prior to staff.

Bill Waskey of Nextel came forward as the applicant and gave a presentation on the monopole signal tower that Nextel would like to install behind the Petco Store at 220 Fort Evans Road. He gave some background on the existing tower on Market Street stating that this site has been maxed out. He had some photos that showed what the tower and its support building would look like in the area.

Commissioner Bangert wanted to know, if there is interference caused by this tower, can the town add a disclaimer that would ask Nextel to pay for any problems that the tower might cause.

Mr. Waskey said that he could not commit to that because of FCC regulations. He stated that any interference would have to be investigated to see what the source is, and dependent on the source, that would determine who would have to pay to have this problem corrected.

Commissioner Emswiler asked if under the FCC guidelines, this tower creates any type of reception problem, and it is determined that it is caused by the tower installation, then Nextel would be responsible for any corrections.

Liang Li of Nextel came forward and gave a brief overview of reception problems, the megahertz size and its relationship to receivers in a geographical area. He specifically spoke about the problem in Ann Arundel County that was reported in a recent issue of *The Washington Post*. Lastly he explained that the technology presently in place in Loudoun County will be compatible with the tower technology.

Commissioner Bangert requested that town staff contact local fire and rescue personnel to determine whether they are using the same frequencies, or separate ones.

Senior Planner Christopher Murphy presented the staff report at this time. He included visuals that showed the existing light pole and what the same pole will look like with the Nextel equipment. The varying heights were compared to several visual angles. Staff recommends approval of this application with conditions.

Commissioner Hoovler asked what a higher tower with more service providers would look like rather than several towers at the height of this application. Would they contain a ladder? He also asked if the size of the shelter would increase with a higher, thicker pole.

Mr. Murphy responded that yes, more carriers per pole would increase the height and size. He went on to say that the choice is whether to allow for several sites with smaller poles, or fewer sites with the higher structures. Commissioner Hoovler also asked how this would affect the structure at the base of the pole. Mr. Waskey of Nextel replied that if another carrier wants to collocate on the same pole, they would have their own shelter/cabinet or whatever they use. Commissioner Hoovler then asked if Nextel had looked at other poles in this area. Mr. Waskey responded that he wasn't sure why this particular pole was chosen, citing that it was possibly the landowner's choice.

Chairman Vaughan asked Christopher Murphy if he had contacted emergency personnel regarding this application. Mr. Murphy responded that he had spoken with Captain Moxley of the Leesburg Police Department who reported that they are on the same system as Loudoun County and to date have not experienced any problems with the system. They have been in contact with Nextel who has agreed to test their system prior to the installation of this tower to make sure that there are no problems. Mr. Waskey confirmed this.

Commissioner Bangert asked if there is interference as a result of this pole, what is the procedure.

Sarwa Tawfik of Nextel came forward to explain that whoever comes into the site last, will be responsible for the correction of the signal. There is a possibility that an existing carrier can slip out of tolerance, in which case the responsibility would lie with them.

Commissioner Bangert asked that the FCC rules and guidelines be sent to her. Chairman Vaughan asked if there was anyone who wanted to address the Commission on this application during this public hearing. No one responded and the hearing was opened to the Commission at this time. The ability to comment on this application will remain open for ten days and those comments will be reviewed at the next meeting, July 15, 2004.

Chairman Vaughan asked about the 1,000 foot radius of this tower. There are a few homes that are within this radius. Mr. Murphy stated that this is only a guideline and the location of this pole leaves that 1,000 foot radius pretty open. This is a town plan guidelines therefore no changes are required to any ordinances.

Commissioner Wright asked about Condition 9, which requires removal of all equipment within one year of cessation of use. The Zoning Ordinance requires removal within 90-days, so Mr. Murphy will change this condition to reflect the language in the ordinance.

Commissioner Wright asked the applicant why existing higher structures were not acceptable, such as the water tower. Mr. Waskey responded that it has to do with location. Commissioner Wright asked whether the range is being expanded, he understands that they are just adding capacity? Mr. Waskey responded that was correct. Regarding the collocation, Mr. Wright asked about the waiver of the co-location requirement. Mr. Waskey stated that right now there was no interest for co-location, however, as this application goes to approval, there might be interest. The question was then asked whether this would require a larger base, and if so, would this impact the location of the fire hydrant. Mr. Waskey said that more than likely another carrier would be located below Nextel, this would be made a condition for the 62' pole and could allow one other user.

Chairman Vaughan asked that this would then be made a condition of the application.

SUBDIVISION AND LAND DEVELOPMENT

Catoctin Circle Center, Preliminary Subdivision Plat – John Johnston, Senior Planner (Agenda Item 10)

Mr. Johnston gave an overview of this application which essentially asked for shared loading spaces and some other variances from the original application. Staff recommends approval of this application based on the applicant's compliance with the conditions set out in the February staff report by the Planning & Zoning Department and the Engineering Department.

Paul Gauthier of the Engineering Department stated that the applicant has agreed to meeting the conditions set out.

Commissioner Hoovler asked what the status was to the third access behind the K-Mart property. Mr. Johnston replied that this was dependent on whether K-Mart agrees.

Commissioner Hoovler asked whether the traffic analysis was done with this connector in mind. It was not. What is the reduction of the impact with this third accessway. Lee Phillips said it would definitely reduce the traffic on the main roads. This was confirmed by Mr. Gauthier.

Commissioner Emswiller said that the shopping center exit/entrance is already terrible, and asked if the entrance to this project could come from Plaza Street and not Catoctin Circle. She feels that a traffic study should indicate that this additional traffic impact is unsafe. Paul Gauthier said that referenced entrance/exit meets all VDOT standards, however, the area in question must have an entrance from Catoctin Circle.

Commissioner Bangert asked whether the bank would have a drive through. If not, there is not parking allocated for that area. Louise Wicker of William H. Gordon and Associates, stated that this application was simply a subdivision application for approval.

Chairman Vaughan said that the application has five lots, one of which is parking. If someone buys parcel one, with no parking, how will parking be provided for that lot. Ms. Wicker responded that there will be a parking agreement for all lots. Commissioner Vaughan asked what if all lots are built out, but the parking has not yet been sold or developed, then what. Ms. Wicker responded that this will not be allowed to happen that way. Commissioner Vaughan went on to discuss the architectural façade on the building, with several owners, will there be varied styles? Ms. Wicker said no, they will need to follow design guidelines. Susan Swift reiterated this statement adding that the design of the façade had been approved by the town's preservationist to look more like the architecture in Leesburg.

On a motion by Brigid Bangert it was recommended to approve the above referenced subdivision plat conditioned upon receipt of the letter dated July 1, 2004, and based on the conditions listed therein.

Commissioner Wright amended the motion to include the cross parking agreement as an additional condition. This is included in the letter of agreement.

Motion:	Bangert
Second:	Barnes
Carried:	6-0

ZONING

None

COMPREHENSIVE PLANNING

None

COUNCIL AND REPRESENTATIVE'S REPORT

None

STAFF AND COMMITTEE REPORTS

Commissioner Barnes reported on the Standing Residential Traffic Committee. A presentation on the trolley was given, along with proposed funding for this project. Raising the speeding fine on North King Street between North Street and Ida Lee Park was discussed.

Susan Swift presented a memo from David Fuller, Chief of Comprehensive Planning, explaining that the schedule for the Town Plan has been altered somewhat. A joint meeting on July 15th was planned on how the scenarios were going to be done. Because some of the transportation and economic data needs to be finalized, too many questions would be left unanswered if this is held in July. Further research is required to get some of the data, which is not available from any one source. A consultant is assisting with the transportation analysis. The transportation model will need to be based on information from VDOT and county/ town analysis. Further research on the 60/40 to fill in further information is also required.

Commissioner Hoovler asked how far this will push the schedule back. Susan Swift replied that it may not be delayed by that much.

Commissioner Hoovler said it seemed that there were several items including 60/40, transportation issues and the scenarios. Since it has been such a long time since the 60/40 meeting he feels that the members of the EAC, EDC and Planning Commission need to have a refresher on what was discussed, also, bring the new people up to speed. He thinks they should have separate meetings on each of these items. Also, what exactly is the transportation data going to support – what are the issues.

Are there any questions on the memo on the Glitch list? Commissioner Hoovler said this list was helpful and asked that any code changes, or process, that helps in deliberations should be emailed and then discussed at the meetings as a matter of record. It could be discussed as new business.

Chairman Vaughan asked about allowing the land development official waive loading areas. Ms. Swift responded that Leesburg has some unique challenges with loading areas, especially as you get closer to the Old and Historic District. He went on to ask about the housing unit overcrowding and the new joint easement language. Paul Gauthier stated that the state code changed the language, so we need to modify some items to make them correspond.

Planning Commission training is scheduled for September 30 and October 1 in Richmond and December 9 and 10 in Charlottesville. As soon as the information is received, we will arrange for the new commissioners to attend.

Lastly, the Vice Chairmanship and the Parliamentarian need to be filled at the next meeting.

Chairman Vaughan attended the Board of Architectural Review meeting. Of noteworthy discussion was Leesburg Central, where the applicant was requested to improve the design of the backs of the buildings in lieu of having to put money toward a traffic light. Secondly there was some concern about the size of the house that was being built on S. King Street and lastly, the Riggs bank at the corner of Market and Plaza streets was discussed with regard to setbacks and the color of the lettering on the building as is mandated by the Plaza.

Chairman Vaughan also attended the Bolen Park Meeting held at the County. There are two pressing issues, one is regarding water and sewer extension and the other is road improvement. He asked that two commission members attend the next meeting scheduled for July 7. Commissioners Wright and Hoovler agreed to attend. Further, he requested that a traffic engineer also attend. Susan said that Utilities and Engineering are aware of the meeting and will send representatives. Paul Gauthier stated that the town had written four reports, yet we have not received revisions back from the county. Staff is not opposed to Bolen Park, however there are serious traffic concerns. Copper Mill Road is supposed to be an emergency access, currently it is dirt.

Commissioner Hoovler said that the CIP would have to be reordered to consider some of these improvements, the result of that would be a delay in completing important town projects. Sycolin Road needs to be improved and completed to make any of the traffic work in the area.

OLD BUSINESS

None

NEW BUSINESS

Commissioner Bangert asked if she could add two items to the Glitch List, one regarding monopoly language especially ways to screen these, and secondly to make sure that the sizes of driveways are restricted so that no one can pave their yard.

ADJOURNMENT

The motion was made and seconded to adjourn at 9:24 pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman